

Ch. 13
Dan B. ESD MB 7/31
David W
fyi - file

**BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION
OF THE STATE OF CALIFORNIA**

**APPLICATION FOR CERTIFICATION OF THE
RUSSELL CITY ENERGY CENTER**

DOCKET No. 01-AFC-7

**APPLICATION COMPLETE
(DATA ADEQUATE)
OCTOBER 17, 2001**

**COMMITTEE ORDER DENYING
PETITION FOR RECONSIDERATION
- and -
NOTICE OF HEARING FOR FULL COMMISSION REVIEW**

I. NOTICE OF COMMISSION HEARING

NOTICE IS HEREBY GIVEN that the California Energy Commission will conduct a public hearing at a Business Meeting scheduled as follows:

**WEDNESDAY, AUGUST 14, 2002
Beginning at 10 a.m.
California Energy Commission
First Floor Hearing Room A
1516 Ninth Street
Sacramento, California
(Wheelchair Accessible)**

Any party in the case, which intends to address the Commission, must submit their written arguments in advance to the Commission's Docket Unit and serve copies on all other parties listed on the proof of service list. Written arguments must be received at the Commission **no later than close of business on Wednesday, August 7, 2002**. Time for oral argument will be reserved at the Commission hearing for each party filing written argument.

II. BACKGROUND

A. Summary

On June 20, 2002, at the beginning of the evidentiary hearing, Ms. Barbara George, speaking on behalf of Woman's Energy Matters (WEM), P.O. Box 637, Rio Linda, CA. 95673, petitioned to intervene in the Russell City Energy Center

**Proof of Service List (Revised on 1/24/02)
filed with Original Document. Mailed from
Sacrament on 7/23/02**

Application for Certification (AFC) proceeding. Ms. George argued that since January, 2002 she had made "several phone calls", visits to the Commission, and examinations of the Commission Website. Nevertheless, she alleges that she was unable to learn how to intervene in the Russell City case. She requested a two-month extension for Women's Energy Matters to prepare its testimony and present such testimony at an evidentiary hearing. (RT 10-12.)

B. Committee Order

Petitions to intervene in power plant siting cases before this Commission are described in Commission regulations (Cal. Code of Regs. §§ 1207, 1712.) The regulations require that petitions to intervene be filed "at least" 30 days prior to the first evidentiary hearing. The Presiding Committee member may grant a petition to intervene filed after the deadline, but only upon a showing of good cause by the petitioner.

After hearing Ms. George's argument on behalf of the intervention of Women's Energy Matters, the Committee ruled that by failing to petition until the day of evidentiary hearings, Ms. George's petition was not timely. The Presiding Member further determined that she failed to make a showing of good cause for the untimely filing. Accordingly, the Committee denied her petition. (RT 16.)

B. Women's Energy Matters Appeal

On July 10, 2002, WEM filed a timely appeal to the full Commission for reconsideration of the Committee's June 20, 2002 Order denying WEM's Petition to Intervene (Appeal). Included with her appeal were a *Memorandum of Points and Authorities* (Memorandum), and a *Declaration of Barbara George* (Declaration). The Memorandum argues *inter alia*, WEM's direct interest in the Russell City proceeding; WEM's frustrations in trying to gain information about the case; WEM's opinion that Presiding Member Keese should be disqualified from the case on the grounds of a conflict of interest; that because there are no female members of the Commission, it is unfit to rule on anything, including the Russell City project; and that the public's exclusion from the process can only be fully remedied by starting the case over from the beginning as a 12-month process.

The Committee refers the matter to the full Commission for review.

III. PUBLIC PARTICIPATION

Members of the public may attend this hearing and offer public comment on the matters discussed at the hearing. Written comment may also be submitted. The Commission's Public Adviser, Roberta Mendonca, is available to provide information and to assist the public in participating at the hearing. The Public

Adviser can be reached at (916) 654-4489 or toll free at (800) 822-6228 or email at: pao@energy.state.ca.us.


IV. FURTHER INFORMATION

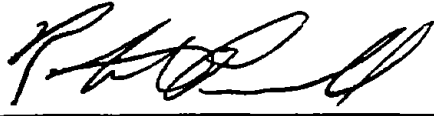
News media inquiries should be directed to Assistant Director, Claudia Chandler at (916) 654-4989 or e-mail: energia@energy.state.ca.gov

If you have a disability and need assistance to participate in the hearing(s), please contact Lourdes Quiroz at (916) 654-5146 at least five days prior to the hearing(s) you wish to attend. Technical questions concerning the project may be addressed to Jack Caswell, the Commission Staff's Project Manager at (916) 653-0062 or email at: jcaswell@state.ca.us

Questions of a legal or procedural nature should be directed to the Hearing Officer, Gary Fay at (916) 654-3893.

Dated July 23, 2002, at Sacramento, California.


WILLIAM J. KEESE
Chairman and Presiding Member
Russell City AFC Committee


ROBERT PERNELL
Commissioner and Associate Member
Russell City AFC Committee